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EXAMINER
WILSON, ROBERT W

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
Office Action Summary		10/809,710	ISOMAKI ET AL.
		Examiner	Art Unit
		ROBERT W. WILSON	2475

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 October 2009</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-5,7-15 and 20-37</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-5,7-15 and 20-37</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 1-2, 4-5, 7-15, & 20-24, & 26-37 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Rosen (U.S. Patent No.: 6,725,053) in view of Balasuriya (U.S. Patent Pub.

No.: 2005/0124365)

Referring to claim 1, Rosen teaches: A method (method performed per col. 4 lines 34 to 46)
comprising

Including in a message floor status information of a data communication media in relation to a
part of a communication session (When a net user or session participant pushes PTT a floor
control request is sent to obtain permission from a communication manager or CM. If no other
net member or session member is currently assigned the floor a grant of transmission privilege or
communication session message carrying response for the communication session is sent to the
requesting net user per Figure 1 and per col. col. 4 line 34 to 46)

The message configured as at least one an offer and an answer associated with the session
initiation (The message can be interpreted as an answer from the CM in response to the PTT
request and also the message which is a grant can also be interpreted as an offer from the CM to
communicate in response to the session being initiated per col. 4 lines 34 to 46)

sending the message from a communication system to a user equipment (The floor status
message is sent from the communication manager (communication system) to the requesting net
user via 102, 104, or 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30)

Rosen does not expressly call for: session description protocol or the floor status information
configured as a value representing at least one of a floor granted, a floor taken, and a port

Balasuriya teaches: session description protocol (SDP per Para [0028]) and the floor status
information configured as a value representing at least one of a floor granted, a floor taken, and a
port (value of floor grant and value of floor taken per Para [0028])

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol and the floor status information configured as a value representing at least one of a floor granted, a floor taken, and a port of Balasuriya in place of the response message of Rosen in order to make the response message in conformance with an industry standard so that the system will be interoperable with standards based legacy system.

Referring to claim 2, the combination of Rosen and Balasuriya teach: the method of claim 1 and wherein further including floor status information

Rosen does not expressly call for: at least one fixed value representing the at least one of the floor granted and the floor taken

Balasuriya teaches: at least one fixed value representing the at least one of the floor granted and the floor taken (fixed value of floor grant and value of floor taken per Para [0028])

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the at least one of the fixed value representing at least one of the floor granted or floor taken of Balasuriya in place of the floor status message of the combination of Rosen and Balusuriya in order the message to be encoded into the SDP response message.

In addition Rosen teaches:

Regarding claim 4, wherein the including the floor status information comprises including in an answer to an offer for the communication session (Beginning (answer) in response to push-to talk request per col. 6 line 59 to col. 7 line 23)

It would have been obvious to add the wherein the including the floor status information comprises including in an answer to an offer for the communication session of the second embodiment of Rosen to the processing of the combination of the first and second embodiments of Rosen in order to better arbitrate the request processing.

Regarding claim 5, further comprising including an indication that a floor is granted in the answer (grant permission or answer per col. 4 line 34 to 46)

Regarding claim 7, further comprising carrying the message in accordance with session initiation protocol (Per Fig 2 and per col. 6 line 59 to col. 7 line 10)

Regarding claim 8, further comprising sending a request for push to talk service session (PTT associated with net or session per col. 3 line 5 to col. 6 line 30)

Regarding claim 9, further comprising sending the message over an internet protocol multimedia subsystem (Video and music or multimedia over IP per col. 3 lines 37 to 56)

Regarding claim 10, further comprising sending the message over a general packet radio service network (GSM per col. 3 lines 33 to 35 which inherently has a GPRS)

Regarding claim 11, further comprising providing communication session using a packet data protocol context (GSM per col. 3 lines 33 to 35 which inherently has data protocol context)

Regarding claim 12, wherein the sending of the message comprises sending a message form an application server operatively connected to the communication system (GSM per col. 3 lines 33 to 35 which inherently has application server connected to the communication system)

Regarding claim 13, wherein the sending the message comprises sending a message from a push-to-talk over cellular server (sending a push-to-talk request per is sent over BTS per Fig 1 or cellular server)

Referring to claim 14, Rosen teaches: a computer program embodied on a computer readable medium comprising a program code configured to control a processor to execute the process, the process comprising: (memory and processor per col. 4 lines 9 to 11 and software per col. 6 line 1) processing comprising:

Including in a message floor status information of a data communication media in relation to a part of a communication session (When a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying response for the communication session is sent to the requesting net user per Figure 1 and per col. col. 4 line 34 to 46)

The message configured as at least one an offer and an answer (The alert message can be interpreted as an answer from the CM in response to the PTT request and also the alert which is a grant can also be interpreted as an offer from the CM to communicate per col. 4 lines 34 to 46)

sending the message from a communication system to a user equipment (The floor status message is sent from the communication manager (communication system) to the requesting net user via 102, 104, 0r 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30)

Rosen does not expressly call for: session description protocol or the floor status information configured as a value representing at least one of a floor granted, a floor taken, and a port

Balasuriya teaches: session description protocol (SDP per Para [0028]) and the floor status information configured as a value representing at least one of a floor granted, a floor taken, and a port (value of floor grant and value of floor taken per Para [0028])

 It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol and the floor status information configured as a value representing at least one of a floor granted, a floor taken, and a port of Balasuriya in place of the

response message of Rosen in order to make the response message in conformance with an industry standard so that the system will be interoperable with standards based legacy system.

Referring to claim 15, Rosen teaches: a system (Figure 1 shows the system for providing communication net or session) comprising:

A data network configured to provide data communication resources (The combination of the wireless to the BTS and the wired WAN to the CM BTS and NBS as well as The Internet is the data network per Fig 1. The data network has inherent resources such as bandwidth which is allocated)

An application server at a processor configured to connect to the data network (The CM or application server is connected to wired WAN, BTS, BSC, Internet and wireless devices via the data network per Fig 1. The CM has a processor per col. 4 lines 8-10) ;
wherein the application server is configured to include in a message floor status information of a data communication media in relation to a party of a communication session, the application server further configured to send the message to a user equipment via the data network (When a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying a response for request for communication session is sent to the requesting net user per Figure 1 and per col. 3 line 5 to col. 6 line 30) the message configured as at least one an offer and an answer (The alert message can be interpreted as an answer from the CM in response to the PTT request and also the alert which is a grant can also be interpreted as an offer from the CM to communicate per col. 4 lines 34 to 46)

Rosen does not expressly call for: session description protocol or the floor status information configured as a value representing at least one of a floor granted, a floor taken, and a port

Balasuriya teaches: session description protocol (SDP per Para [0028]) and the floor status information configured as a value representing at least one of a floor granted, a floor taken, and a port (value of floor grant and value of floor taken per Para [0028])

 It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol and the floor status information configured as a value representing at least one of a floor granted, a floor taken, and a port of Balasuriya in place of the response message of Rosen in order to make the response message in conformance with an industry standard so that the system will be interoperable with standards based legacy system.

Referring to claim 20, Rosen teaches: An apparatus (CM per Fig 1) comprising:

Processor configured to including in a message floor status information of a data communication media in relation to a part of a communication session (The first embodiment teaches: CM has a processor per 4 line 8 to 11 which respond when a net user or session participant pushes PTT a

floor control request is sent to obtain permission from a communication manager or CM. If no
other net member or session member is currently assigned the floor a grant of transmission
privilege or communication session message carrying response for the request for the
communication session is sent to the requesting net user per Figure 1 and per col. 3 line 5 to col.
6 line 30) the message configured as at least one an offer and an answer (The alert message can
be interpreted as an answer from the CM in response to the PTT request and also the alert which
is a grant can also be interpreted as an offer from the CM to communicate per col. 4 lines 34 to
46)

Wherein the processor is sending the message from a communication system to a user equipment
(The floor status message is sent from the communication manager (communication system) via
processor per col. 4 lines 8 to 11 to the requesting net user via 102, 104, 0r 106 or user
equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30)

Rosen does not expressly call for: session description protocol or the floor status information
configured as a value representing at least one of a floor granted, a floor taken, and a port

Balasuriya teaches: session description protocol (SDP per Para [0028]) and the floor status
information configured as a value representing at least one of a floor granted, a floor taken, and a
port (value of floor grant and value of floor taken per Para [0028])

 It would have been obvious to one of ordinary skill in the art at the time of the invention to add
the session description protocol and the floor status information configured as a value
representing at least one of a floor granted, a floor taken, and a port of Balasuriya in place of the
response message of Rosen in order to make the response message in conformance with an
industry standard so that the system will be interoperable with standards based legacy system.

In addition Rosen teaches:

Regarding claim 21, further comprising a push to talk application server (The CM (application
server) sends a response to push-to-talk request per col. 3 line 5 to col. 6 line 30)

Regarding claim 22, wherein the processor is configured to connect to an internet protocol
multimedia subsystem (processor per col. 4 lines 8-11 with Video and music or multimedia over
IP per col. 3 lines 37 to 56)

Regarding claim 23, wherein the processor is configured to include the floor status information
at least one of an offer for the communication session or an answer to the offer of the
communication session (processor per col. 4 lines 8-11 provides grant request or offer per col. 3
line 5 to col. 6 line 30)

Referring to claim 24, Rosen teaches: A system (Fig 1 comprising:

node configured to transmit or receive a message describing a communication session

the message configured as at lest one of an offer and an answers (When a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM or node. If no other net member or session member is currently assigned the floor a grant of transmission response for the communication session is sent to the requesting net user by the CM per Figure 1 and per col. 3 line 5 to col. 6 line 30), the message configured as at least one an offer and an answer (The alert message can be interpreted as an answer from the CM in response to the PTT request and also the alert which is a grant can also be interpreted as an offer from the CM to communicate per col. 4 lines 34 to 46)

processor is configured to send the message (The floor status message is sent from the communication manager via the processor per col. 4 lines 8 to 11 to the requesting net user via 102, 104, 0r 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30)

Rosen does not expressly call for: session description protocol or the floor status information configured as a value representing at least one of a floor granted, a floor taken, and a port

Balasuriya teaches: session description protocol (SDP per Para [0028]) and the floor status information configured as a value representing at least one of a floor granted, a floor taken, and a port (value of floor grant and value of floor taken per Para [0028])

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol and the floor status information configured as a value representing at least one of a floor granted, a floor taken, and a port of Balasuriya in place of the response message of Rosen in order to make the response message in conformance with an industry standard so that the system will be interoperable with standards based legacy system.

Referring to claim 26, Rosen teaches: A system (Fig 1) comprising:

Including means for including in a message floor status information of a data communication media in relation to a part of a communication session,(When a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM which has a processor per col. 4 lines 8 to 11 or including means. If no other net member or session member is currently assigned the floor a grant of transmission privilege or response for the communication session is sent to the requesting net user per Figure 1 and per col. 3 line 5 to col. 6 line 30), the message configured as at least one offer and an answer (The message can be interpreted as an answer from the CM in response to the PTT request and also the message which is a grant can also be interpreted as an offer from the CM to communicate per col. 4 lines 34 to 46)

sending means for sending a message the message from a communication system to a user equipment (The floor status message is sent from the communication manager which has an inherent port to the WAN or sending means for sending a message to the requesting net user via 102, 104, 0r 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30) and

generating means for the message (processor per col. lines 8 to 11 or generating means for generated as an alert per Figure 1 and per col. 3 line 5 to col. 6 line 30

Rosen does not expressly call for: session description protocol or the floor status information configured as a value representing at least one of a floor granted, a floor taken, and a port

Balasuriya teaches: session description protocol (SDP per Para [0028]) and the floor status information configured as a value representing at least one of a floor granted, a floor taken, and a port (value of floor grant and value of floor taken per Para [0028])

 It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol and the floor status information configured as a value representing at least one of a floor granted, a floor taken, and a port of Balasuriya in place of the response message of Rosen in order to make the response message in conformance with an industry standard so that the system will be interoperable with standards based legacy system.

Referring to claim 27, Rosen teaches: a communication system to (Figure 1 shows the communication system) comprising:

A data network means configured to provide data communication resources (The combination of the wireless to the BTS and the wired WAN to the CM BTS and NBS as well as The Internet is the data network means per Fig 1.   The data network has inherent resources such as bandwidth which is allocated)

application server means includes in message floor status of a data communication media in relation to party of a communication message for connecting to the data network (The CM or application server has an inherent interface or means for connecting which is connected to wired WAN, BTS, BSC, Internet and wireless devices via the data network per Fig 1. When a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM. If no other net member or session member is currently assigned the floor a grant of transmission response for the communication session request is sent to the requesting net user per Figure 1 and per col. 3 line 5 to col. 6 line 30 and sends a message to user equipment The floor status alert message is sent from the communication manager to the requesting net user via 102, 104, 0r 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30) the message configured as at least one an offer and an answer (The alert message can be interpreted as an answer from the CM in response to the PTT request and also the alert which is a grant can also be interpreted as an offer from the CM to communicate per col. 4 lines 34 to 46) and

generating means for generating the message (The message is generated has a processor or generating means per col. 4 lines 8 to 11 and alert message is generated per col. 3 line 5 to col. 6 line 30)

Rosen does not expressly call for: session description protocol or the floor status information configured as a value representing at least one of a floor granted, a floor taken, and a port

Balasuriya teaches: session description protocol (SDP per Para [0028]) and the floor status information configured as a value representing at least one of a floor granted, a floor taken, and a port (value of floor grant and value of floor taken per Para [0028])

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol and the floor status information configured as a value representing at least one of a floor granted, a floor taken, and a port of Balasuriya in place of the response message of Rosen in order to make the response message in conformance with an industry standard so that the system will be interoperable with standards based legacy system.

Referring to claim 28, Rosen teaches: A apparatus (Fig 1) comprising:

Including means for including in a message floor status information of a data communication media in relation to a part of a communication session in a message carrying communication media information for the communication session (When a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM which has a processor per col. 4 lines 8 to 11 or including means. If no other net member or session member is currently assigned the floor a grant of transmission response for the communication session is sent to the requesting net user per Figure 1 and per col. 3 line 5 to col. 6 line 30) the message configured as at least one an offer and an answer (The alert message can be interpreted as an answer from the CM in response to the PTT request and also the alert which is a grant can also be interpreted as an offer from the CM to communicate per col. 4 lines 34 to 46)

sending means for sending a message the message from a communication system to a user equipment (The floor status message is sent from the communication manager which has an inherent port to the WAN or sending means for sending a message to the requesting net user via 102, 104, 0r 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30) and

generating means for the message (processor per col. lines 8 to 11 or generating means for generated a response per Figure 1 and per col. 3 line 5 to col. 6 line 30

Rosen does not expressly call for: session description protocol or the floor status information configured as a value representing at least one of a floor granted, a floor taken, and a port

Balasuriya teaches: session description protocol (SDP per Para [0028]) and the floor status information configured as a value representing at least one of a floor granted, a floor taken, and a port (value of floor grant and value of floor taken per Para [0028])

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol and the floor status information configured as a value

representing at least one of a floor granted, a floor taken, and a port of Balasuriya in place of the response message of Rosen in order to make the response message in conformance with an industry standard so that the system will be interoperable with standards based legacy system.

Referring to claim 29,Rosen teaches: A method executed on a processor (Fig 1 performs the method) comprising:

Receiving, at a processor a message describing a communication session wherein the message carries data communication media information for the communication session and floor status information of a data communication media in relation to part of the session (The CD is a mobile phone or processor which receives the response message which carries communication media and floor status in response to when a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM. If no other net member or session member is currently assigned a response to the request is sent to the CD per Fig 2)

Indicating at the processor floor status information to the party (Alert indicates a grant or floor status information for the communication session to the party per col. 4 lines 34-46)

Rosen does not expressly call for: session description protocol or the floor status information configured as a value representing at least one of a floor granted, a floor taken, and a port

Balasuriya teaches: session description protocol (SDP per Para [0028]) and the floor status information configured as a value representing at least one of a floor granted, a floor taken, and a port (value of floor grant and value of floor taken per Para [0028])

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol and the floor status information configured as a value representing at least one of a floor granted, a floor taken, and a port of Balasuriya in place of the response message of Rosen in order to make the response message in conformance with an industry standard so that the system will be interoperable with standards based legacy system.

In addition Rosen teaches:

Regarding claim 30, wherein the indicating the floor information to the party comprises indicting that a floor is taken (negative confirmation from the server relative to PTT request per col. 1 lines 54 to 58)

Regarding claim 31, wherein the indicating the floor status information to the party comprises indicting that a floor is granted (positive confirmation from the server relative to PTT request per col. 1 lines 54 to 58)

Referring to claim 32, Rosen teaches: an apparatus (Fig 2) comprising: a memory (memory per col. 4 lines 9 to 11) and processor (processor per col. 4 lines 9 to 11) wherein the processor and

memory are configured to receive a message describing a communication session wherein the message carries data communication media information for the communication session and floor status information of a data communication media in relation to part of the session (When a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying response for the communication session Figure 1 and per col. col. 4 line 34 to 46)

And configured to provide an indicating a floor status to a party (The alert indicates a grant or floor status information for the communication session Figure 1 and per col. col. 4 line 34 to 46)

Rosen does not expressly call for: session description protocol or the floor status information configured as a value representing at least one of a floor granted, a floor taken, and a port

Balasuriya teaches: session description protocol (SDP per Para [0028]) and the floor status information configured as a value representing at least one of a floor granted, a floor taken, and a port (value of floor grant and value of floor taken per Para [0028])

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol and the floor status information configured as a value representing at least one of a floor granted, a floor taken, and a port of Balasuriya in place of the response message of Rosen in order to make the response message in conformance with an industry standard so that the system will be interoperable with standards based legacy system.

In addition Rosen teaches:

Regarding claim 33, wherein the processor is configured to indicate that floor is taken (negative confirmation from the server relative to PTT request per col. 1 lines 54 to 58)

Regarding claim 34, wherein the processor is configured to indicate the floor status information to the party comprises indicting that a floor is granted (positive confirmation from the server relative to PTT request per col. 1 lines 54 to 58)

Referring to claim 35, Rosen teaches: a computer program embodied on a computer readable medium comprising a program code configured to control a processor to execute the process, the process comprising: (memory and processor per col. 4 lines 9 to 11 and software per col. 6 line 1) the process comprising:

Receiving a message describing a communication session wherein the data carries communication media in relation to the party of the communication session (The CD receives the message of positive or negative confirmation from the server of floor status per col. 1 lines 54 to 58. Both media data and signaling data are sent over the reverse link per col. 5 lines 1 to 5. The floor status sent over available forward channel per col. 10 lines 15 to 15)

Indicating a floor status to a party (the user receives positive or negative confirmation from the server of floor status per col. 1 lines 54 to 58)

Rosen does not expressly call for: session description protocol or the floor status information configured as a value representing at least one of a floor granted, a floor taken, and a port

Balasuriya teaches: session description protocol (SDP per Para [0028]) and the floor status information configured as a value representing at least one of a floor granted, a floor taken, and a port (value of floor grant and value of floor taken per Para [0028])

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol and the floor status information configured as a value representing at least one of a floor granted, a floor taken, and a port of Balasuriya in place of the response message of Rosen in order to make the response message in conformance with an industry standard so that the system will be interoperable with standards based legacy system.

In addition Rosen teaches:

Regarding claim 36, wherein the indicating the floor information to the party comprises indicting that a floor is taken (negative confirmation from the server relative to PTT request per col. 1 lines 54 to 58)

Regarding claim 37, wherein the indicating the floor status information to the party comprises indicting that a floor is granted (positive confirmation from the server relative to PTT request per col. 1 lines 54 to 58)

3.   Claims 3 & 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen

(U.S. Patent No.: 6,725,053) in view of Balasuriya (U.S. Patent Pub. No.: 2005/0124365) further

in view of Maggenti (U.S. Patent No.: 6,477,150)

Referring to claim 3, the combination Rosen and Balusuriya teach the method of claim 1

The combination of Rosen and Balasuriya do not expressly call for: sending the message as a session initiation protocol OK message

Maggeni teaches: sending the message as a session initiation protocol OK message (col. 26 line 9)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the sending of the message as a session initiation protocol message of Maggeni to the message processing of the combination of Rosen and Balsuriya in order to make the message processing

compliant with an industry standard of SIP and SDP in order to build a system which will interoperate with legacy systems which are standards based.

Referring to claim 25, the combination of Rosen and Balasuriya teach: the system of claim 24 and Rosen teaches: message is sent in session initiation protocol (SIP per Fig 2)

The combination of Rosen and Balusuriya do not expressly call for: OK message.

Maggeni teaches: OK message (col. 26 line 9)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add Ok message of Maggeni to the message processing of the combination of Rosen and Balsuriya in order to make the message processing compliant with an industry standard of SIP and SDP in order to build a system which will interoperate with legacy systems which are standards based

Claim Objections

4.   Claim32-34 ARE objected to because of the following informalities: The examiner

objects to usage in the claims that the processor and memory are configured to receive.

Instructions are stored in memory which cause the processor to perform steps which process the

received message. The examiner recommends that the applicant amend the claim to more

accurately the process. Appropriate correction is required.

Response to Amendment

5.   Applicant's arguments with respect to claims 1-5, 7-15, & 20-37 have been considered

but are moot in view of the new ground(s) of rejection.

In order to be completely responsive to applicant argument the examiner has provided the

following explanation.

The examiner respectfully disagrees with the applicant argument that because Rosen shows a signaling channel that Rosen teaches away from the claimed invention. There is no claim limitation that states that the floor status message cannot be sent on a signaling channel. No where in Rosen is it stated that because a signaling channel is utilized that a floor status message with value representing at least one of a floor granted, floor taken, or port number and associated processing cannot be performed. Applicant has provided their opinion and the examiner respects

their opinion; however, the applicant has a burden of providing specific evidence that the reference teaches away from the claimed invention. Applicant has failed to meet this burden and therefore their argument has been found to be unpersuasive.

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Conclusion

7..   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to ROBERT W. WILSON whose telephone number is (571)272-

3075. The examiner can normally be reached on M-F (8:00-4:30).

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Dang Ton can be reached on 571/272-3171. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert W Wilson/
Primary Examiner, Art Unit 2475

RWW
12/18/09